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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,121	08/15/2001	Toyoaki Kishimoto	212668US6	1335
22850	7590	02/13/2006		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER TESLOVICH, TAMARA	
			ART UNIT 2137	PAPER NUMBER

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/929,121	KISHIMOTO, TOYOAKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tamara Teslovich	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12.23.05</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 23, 2005 has been entered. Claims 1-12 are herein considered.

### ***Response to Arguments and Amendments***

Applicant's arguments and amendments, see pages 6-10, filed December 23, 2005, with respect to the rejection(s) of claim(s) 1-12 under 35 USC § 103 have been fully considered and are persuasive in light of the newly amended claims 1 and 9. However, upon further consideration, a new ground(s) of rejection is made below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levergood et al. (US Patent 5,708,780), and further in view of Ericsson and Wan (US Patent 6,044,069).**

Regarding **Claim 1**, Levergood teaches a user authentication method for an authentication server which executes user authentication between a [client] and a content providing server interconnected by an open network, comprising the steps of:

registering unique identification information of said [client] with a customer database of said authentication server in advance (see column 3 lines 21-43);

decoding the unique identification information encrypted by a predetermined encryption algorithm and supplied from said [client] terminal via said open network (see col.7 paragraph 1);

determining whether the unique identification information decoded in the decoding step is registered with said customer database (see col.3 lines 29-32; col. 6 lines 36-65); and

sending a notification to said content providing server that starting of service provision for said [client] be permitted, if the unique identification information is found registered with said customer database in the determining step (see col.3 lines 43-48 reference ""content server receives a URL request accompanied by an SID").

Levergood fails to teach the abovementioned system wherein the client is a "mobile information terminal" and wherein "said unique identification information is stored in said mobile information terminal and comprises information identifying a manufacturer of the mobile information terminal".

Ericsson teaches the important of "enabling users of PCs connection to the Internet via mobile telephones, handheld devices, and smartphones to download Web pages more quickly" (see Ericsson).

Wan teaches the system of Levergood, utilizing the mobile stations (terminals) of Ericsson wherein a unique mobile station identifier value associated with the mobile station is stored in the data storage area (col.3 lines 47-49). Wan goes on to teach the importance of mobile stations and their ability to move around freely (col.6 lines 39-45) and even goes on to teach wherein the mobile station comprises a cellular telephone with a unique mobile station identifier used to identify the device (col.6 lines 46-66). Wan even goes on to teach in column 21 lines 15-30, the use of a flash ID equivalent to that disclosed in page 11 of the Applicant's specification, stored in flash memory to identify the specific information terminal with a unique identification code specific to the mobile terminal and therefore specific to the manufacturer thereof.

It would have been obvious to a person of average skill in the area at the time of the invention to include within Levergood et al. the wireless capabilities as described in Ericsson in order to create the system of Wan to provide for users connected to the Internet via mobile information terminals such as cellular phones and other handheld devices in a secure manner.

Regarding **Claim 2**, the combined method of Levergood, Ericsson, and Wan teaches the user authentication method according to Claim 1, further comprising the step of:

presenting, to said mobile information terminal, a recommended menu including site access information for accessing a plurality of predetermined content providing servers (see Levergood et al. col.8 lines 27-58 reference ""customize user requested pages to include personalized content");

wherein a process in which site access information selected by a user of said mobile information terminal from said recommended menu displayed on said mobile information terminal is registered with said customer database in relation with the unique identification information of said mobile information terminal is included in the registering step (see Levergood et al. col.4 lines 32-42).

Regarding **Claim 3**, the combined method of Levergood, Ericsson, and Wan teaches the user authentication method according to Claim 2, wherein, in the registering step, when registering said site access information with said customer database, user authentication is performed on the basis of said unique identification information before this registration and said mobile information terminal requested to make display for prompting said user to enter a password of the user (see Levergood et al. col.6 lines 44-49 reference "causes the client browser to prompt the user for credentials, a preferred credential query typically consists of a request for user name and password"), while, subsequent to the registration with said customer database, an access request is made on the basis of the site access information already registered with said customer database, the user authentication on the basis of said unique identification information is performed but the request for the display for prompting the user to enter the user's password is omitted (see Levergood et al. col.6 lines 40-44 reference "forgo the credential check procedures").

Regarding **Claim 4**, the combined method of Levergood, Ericsson, and Wan teaches the user authentication method according to Claim 3, wherein, in the registering step, a charging server is instructed to charge said user for the use of a service provided by said content providing server associated with said site access information at the time of registering said site access information with said customer database (see Levergood et al. col.9 lines 1-6 reference "a user may be charged and billed each time she accesses a particular document through the internet").

Regarding **Claim 5**, the combined method of Levergood, Ericsson, and Wan teaches the user authentication method according to Claim 4, wherein, in the registering step, a confirmation step for confirming, before instructing said charging server for the charging, that said user is a registered user of said charging server is included (see Levergood et al. col.9 lines 1-6 ).

Regarding **Claim 6**, the combined method of Levergood, Ericsson, and Wan teaches the user authentication method according to claim 1, wherein said open network is the Internet, through which the unique identification information is transmitted as encrypted by the predetermined encryption algorithm by a Web browser installed on said mobile information terminal (see Levergood et al. col.3 lines 8-23).

Regarding **Claim 7**, the combined method of Levergood, Ericsson, and Wan teaches the user authentication method according to Claim 6, wherein unique identification information is read, by said Web browser, from said mobile information terminal and the retrieved unique identification information is transmitted as encrypted by the predetermined encryption algorithm by said Web browser (see Levergood col.3 lines 8-23) and wherein the unique identification information is read from a flash memory installed on said mobile information terminal (see Wan column 21 lines 15-30).

Regarding **Claim 8**, the combined method of Levergood, Ericsson, and Wan teaches the user authentication method according to Claim 7, wherein said predetermined encryption algorithm is SSL (Secure Socket Layer) (see Ericsson reference "Netscape Navigator" and "Microsoft Internet Explorer" both of which utilize a version of SSL, and "WAP" which utilizes TSL, a version of SSL).



Regarding **Claim 9**, Levergood et al. teaches a user authentication server which executes user authentication between a [client] and a content providing server interconnected by an open network, comprising:

registering means for registering unique identification information of said [client] with a customer database of said authentication server in advance (see column 3 lines 21-43);

decoding means for identification information decoding the unique encrypted by a predetermined encryption algorithm and supplied from said [client] via said open network (see col.7 paragraph 1);

determining means for determining whether the unique identification information decoded by the decoding means is registered with said customer database (see col.3 lines 29-32; col. 6 lines 36-65); and

service permission notice sending means for sending a notification to said content providing server that starting of service provision for said [client] be permitted, the unique identification information is found registered with said customer database by the determining means (see col.3 lines 43-48 reference ""content server receives a URL request accompanied by an SID").

Levergood fails to teach the abovementioned system wherein the client is a "mobile information terminal" and wherein "said unique identification information is stored in said mobile information terminal and comprises information identifying a manufacturer of the mobile information terminal".

Ericsson teaches the important of “enabling users of PCs connection to the Internet via mobile telephones, handheld devices, and smartphones to download Web pages more quickly” (see Ericsson).

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It would have been obvious to a person of average skill in the area at the time of the invention to include within Levergood et al. the wireless capabilities as described in Ericsson in order to create the system of Wan to provide for users connected to the Internet via mobile information terminals such as cellular phones and other handheld devices in a secure manner.

Regarding **Claim 10**, the combined system of Levergood, Ericsson, and Wan teaches the user authentication server according to Claim 9, wherein said open network is the Internet, through which the unique identification information is transmitted as encrypted by the predetermined encryption algorithm by a Web browser installed on said mobile information terminal (see Levergood et al. col.3 lines 8-23).

Regarding **Claim 11**, the combined method of Levergood, Ericsson, and Wan teaches the user authentication server according to claim 10 wherein unique identification information is read, by said Web browser from said mobile information terminal and the retrieved unique identification information is transmitted as encrypted by the predetermined encryption algorithm by said Web browser (see Levergood col.3 lines 8-23) and wherein the unique identification information is read from a flash memory installed on said mobile information terminal (see Wan column 21 lines 15-30).

Regarding **Claim 12**, the combined method of Levergood, Ericsson, and Wan teaches the user authentication server according to claim 11 wherein said predetermined encryption algorithm is SSL (see Ericsson reference "Netscape Navigator" and "Microsoft Internet Explorer" both of which utilize a version of SSL, and "WAP" which utilizes TSL, a version of SSL).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Teslovich  
February 6, 2006

  
**EMMANUEL L. MOISE**  
SUPERVISORY PATENT EXAMINER